

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LEE RICHES,

Plaintiff,

v.

LI KA-SHING, et al.,

Defendants.

No. C 07-5865 MJJ (PR)

ORDER OF DISMISSAL

Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint against Li Ka-Shing, Hutchison Whampoa, Ltd., Li Ka-Shing Foundation, Yang Lan, Yu Pengian, Shenzlen Pengian Hotels, and Hurun Report.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988).

Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of

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1 the complaint's factual allegations and dismiss as frivolous those claims whose factual
2 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).
3 Examples are claims describing fantastic or delusional scenarios with which federal district
4 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the
5 veil of the complaint's factual allegations means that a court is not bound, as it usually is
6 when making a determination based solely on the pleadings, to accept without question the
7 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual
8 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the
9 wholly incredible, whether or not there are judicially noticeable facts available to contradict
10 them. See id. at 32-33.


11 Plaintiff alleges defendant Li Ka-Shing is the richest man in China, and that plaintiff
12 has written him over 3,500 letters. He claims that he is Li Ka-Shing has "neglected"
13 plaintiff's mental health, and plaintiff seeks an order compelling him and the other
14 defendants "to donate to American prisoners." Plaintiff alleges that defendant Yang Lan is a
15 Chinese talk-show host "who could rally the Chinese people to help me." Plaintiff states he
16 would like to be a Chinese citizen, but he complains that defendants are not lobbying the
17 Chinese government to give him a "warm welcoming" to the 2008 Beijing Olympics.
18 Plaintiff further alleges defendant Li Ka-Shing promised help for plaintiff if plaintiff joined
19 the "Chinese circus" as "the human skinny man." As plaintiff's allegations are clearly
20 baseless, irrational or wholly incredible, the complaint will be dismissed as frivolous under
21 sections 1915A and 1915(e)(2).

22 For the foregoing reasons, this action is DISMISSED.

23 The Clerk shall close the file.

24 IT IS SO ORDERED.

25 DATED: 12/17/07

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MARTIN J. JENKINS
United States District Judge